

# Knobbe Martens Olson & Bear LLP

Intellectual Property Law

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May 29, 2009

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Re: Title: STRUCTURE OF A MICRO ELECTRO MECHANICAL SYSTEM  
AND THE MANUFACTURING METHOD THEREOF  
Letters Patent No. 7,291,921  
Issued: November 6, 2007  
Our Reference: QCO.091A

Dear Sir:

Enclosed for filing is a Certificate of Correction in connection with the above-identified patent.

In support of the request to correct the language of Claim 1 and Claim 28, please also find enclosed copies of the following:

- Exhibit 1. Applicant's **Supplemental Amendment as filed on February 9, 2007** (see amendments to Claim 1 and Claim 27 on pages 2 and 6, respectively, showing the phrase "directly contacting the first material layer and" inserted after the phrase "a sacrificial layer" in Claim 1, and the phrase "directly contacting the material layer and" inserted after the phrase "a sacrificial layer" in Claim 27). Note that Claim 27 was later renumbered as Claim 28 by the United States Patent and Trademark Office.
- Exhibit 2. **Final Office Action mailed March 22, 2007** (see first full paragraph at top of page 6, showing that the Examiner considered Claims 1 and 27 as amended in the February 9, 2007 Supplemental Amendment).
- Exhibit 3. Applicant's **Response to Final Office Action as filed on May 17, 2007** (see Claims 1 and 27 on pages 2 and 6, respectively, each claim designated as "previously presented" and including all of the amendments made in the February 9, 2007 Supplemental Amendment except for the missing phrases noted in the Certificate of Correction).

Honorable Commissioner of  
Patents and Trademarks  
May 29, 2009  
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Section 255 of the Patent Act allows for correction of “a mistake of a clerical or typographical nature, or of minor character, which was not the fault of the Patent and Trademark Office. . . [if] a showing has been made that such mistake occurred in good faith” and “if the correction does not involve such changes in the patent as would constitute new matter or would require reexamination.”

Exhibits 1 and 3 identified above show that the omission of the phrases “directly contacting the first material layer and” and “directly contacting the material layer and” in Claims 1 and 28, respectively, occurred due to a clerical error. The undersigned submits that such error occurred inadvertently and in good faith. Exhibit 2 shows that these claim elements were considered by the Examiner during prosecution and, thus, changing Issued Patent No. 7,291,921 to correct the language of Claims 1 and 28 would not constitute new matter or require reexamination. Thus, the undersigned submits that these errors, as well as the remaining errors listed in the enclosed Certificate of Correction, are appropriate candidates for correction under 35 U.S.C. § 255.

The required fee in the amount of \$100 is being paid herewith through the EFS system. Please charge any additional fees to our Deposit Account No. 11-1410.

Respectfully submitted,

Knobbe, Martens, Olson & Bear, LLP



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Enclosures

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